

Attorney Docket No.: 6550.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vedso et al.

Serial No.: 10/697,226

Group Art Unit: 1621

Filed: October 30, 2003

Examiner: Vollano, Jean F.

Confirmation No.: 9782

For: Halo Sulfonyl Aryl Boronates

FACSIMILE CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

1. Response to Restriction Requirement (3 pages)
2. Petition and Fee for Extension of Time (in duplicate)

is being deposited with the United States Patent and Trademark Office via fax no. 703-872-9306 on August 30, 2004.

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P.O. Box 1450
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(signature of person mailing paper)

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being timely filed in response to the Office Action mailed June 14, 2004, having a shortened statutory period for reply set to expire July 14, 2004, subject to extensions of time under 37 C.F.R. §1.136(a). A petition for a two (2) month extension of time to increase the period for reply to September 14, 2004, is enclosed herewith to permit timely filing of this response.

The examiner states that claims numbered 1-13 are pending in the application and claims 1-13 are subject to restriction and/or election requirement. The examiner states restriction to one of the following inventions is required under 35 U.S.C. §121:

- I. Claims 1-13 (in part), drawn to a compound and a process for preparing wherein the compound has Arylene defined as carbocyclic or aromatic hydrocarbon and Y is a boronic acid group, classified in class 562, subclass various.
- II. Claims 1-13 (in part), drawn to compounds and process for preparing wherein the compound has Arylene defined as a carbocyclic or aromatic hydrocarbon and Y is a boronic ester wherein the ester is not a ring group (i.e. cyclic ester type), classified in class 558, subclass various.

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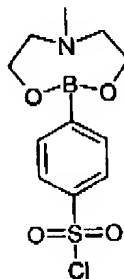
- III. Claims 1-13 (in part), drawn to compounds and process for preparing wherein the compound has an Arylene defined as a carbocyclic or aromatic hydrocarbon and Y is a not heterocyclic ester moiety selected from the (c), (d), (e), (f) and (g), classified in class 549, subclass various.
- IV. Claims 1-13 (in part), drawn to compounds and process for preparing wherein the compound has Arylene defined as a carbocyclic or aromatic hydrocarbon and Y is a boroxine (which the examiner assumes is a boron oxygen ring, if this is not the case, please clarify), classified in class 558, subclass various. If this group is chosen please elect a species as a starting point for the group and define the term boroxine as applicant is claiming it.
- V. Claims 1-13 (in part), drawn to compounds and process for preparing wherein the compound has an Arylene is defined as a carbocyclic or aromatic hydrocarbon and Y is a heterocyclic ester wherein nitrogen is part of the heterocyclic ring selected from (a) and (e), classified in class 564, 546, subclass various.
- VI-X. Claims 1-13 (in part), drawn to compounds and a process for making the compounds wherein Arylene is defined as a heterocyclic moiety and Groups VI-X are the same Y as Groups I-V respectively. The classification would be determined by the heterocyclic moiety and cover 540, 544, 546, 548, 549 and the subclasses would be various. If any of these four Groups are chosen then a species election is required solely as a starting place for the search of the group.
- XI. Claims 1-13 (in part) drawn to any compounds and methods of preparation not found in the previous groups. If this group is elected a species must be chosen as a starting point for the search of the group. There may also be further restriction required.

In response to the restriction requirement, Applicant hereby elects, for examination purposes, the invention of Group XI: Claims 1-13 (in part) drawn to any compounds and methods of preparation not found in the previous groups.

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Applicant additionally elects a single species, for examination purposes, disclosed in Example 3, page 8, line 14 of the specification as originally filed:

4-Chlorosulfonyl-phenylboronic acid *N*-methyl-diethanolamine ester



Applicant hereby reserves the right to file continuing or divisional applications directed to the nonelected and/or cancelled subject matter.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: August 30, 2004

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